

December 1999

## Copyright Questions and Answers

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### Recommended Citation

Gasaway, Laura N.; Montgomery, Jack G.; and Jennings, Anne F. (1999) "Copyright Questions and Answers," *Against the Grain*: Vol. 11: Iss. 6, Article 20.

DOI: <https://doi.org/10.7771/2380-176X.3877>

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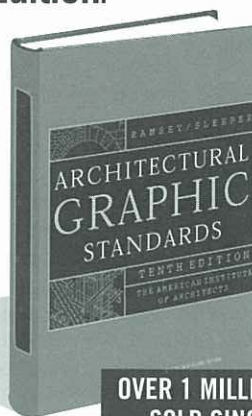
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## Questions and Answers — Copyright Column

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**QUESTION:** *I work in a corporate information center where most of the research conducted is reactive to staff member requests. All the information gathered is released to the staff member once the research project has concluded. The information center maintains only a detailed list of citations. If the information located comes from a Website, may the information center retain a hard copy of that research material for its files? If so, for how long? The Copyright Clearance Center does not deal with this. How do other corporate information centers handle this?*

**ANSWER:** Material located on Web sites is copyrighted just like everything else if it is an original work of authorship. It is automatically fixed by being stored on a Web site. Maintaining a copy of a work that is ephemeral to provide some evidence that it was searched and used seems very reasonable. Because of the nature of the Web, those pages

may disappear and the information center will have nothing to document what it has done. There are no guidelines on how long the center may retain the copy; therefore retain the copy as long as is reasonable to do so.

To obtain information on what other corporate information centers do, the best source is **Special Libraries Association** and perhaps listservs for libraries in similar industries.

**QUESTION:** *I teach various levels of PowerPoint for our students and faculty. Students are very interested in downloading materials from the Internet such as photographs of works of art, incorporating sound from CD's and the like. There is software that permits them to do this. I can teach them how to do it and to cite the source, but I am concerned about copyright.*

**ANSWER:** When a student is creating a presentation for classroom use, it well may be fair use for them to incorporate materials into PowerPoint from other sources such as the Web, clips of musical recordings, etc.

Section 110(1) of the Act permits the performance of nondramatic literary and musical works and the display of any in face-to-face teaching by either students or faculty. One could certainly argue that reproducing the work to incorporate it into a PowerPoint presentation for classroom use is a fair use.

Any attempts to commercialize the product by the students or the school would lead to a different result, however. It would be a good idea to make sure that students know about copyright and fair use and that you can help them understand that what they can do in the classroom in the course of instruction may be broader than what they can do for some other purposes. This would be a great conjunction: teaching them how to use the technology while instructing them about copyright.

**QUESTION:** *If a library is the repository of the only copy of a work that was ever produced, do the rules governing digital preservation apply? Does it make any difference*

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**Publisher Bestsellers**  
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ant forms found in the same dialect. Purely poetic words and words not common in prose are indicated, and references are given to the passages in which they occur.

de Hamel, Christopher. *Scribes and Illuminators*. 0802077072 US\$20.95. This survey describes each stage of production from the preparation of the vellum, pens, paints and inks to the writing of the scripts and the final decoration and illumination of the Medieval manuscript.

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"In an era where psychotherapy is threatened by bean counters, bureaucrats and biological reductionists, this volume is most welcome. The contributors have provided a state-of-the-art reference book on the subject that will be of great value both to the mental health professions and to policymakers." Glen O. Gabbard, M.D., Callaway Distinguished Professor, The Menninger Clinic. 

no other copy available, then the library may make up to three copies of the work. Again, if one of the copies is digital, that digital copy cannot be used outside the premises of the library.

**QUESTION:** *If the author of a personal letter owns the copyright in the letter but the recipient owns the only copy of the letter, what can the owner of the copy do? What are the rights of the author's heirs?*

**ANSWER:** The owner of the copy cannot publish the letter if it is still protected by copyright because that right belongs to the copyright holder. The recipient may dispose of that copy by giving it to a library or archives or even sell the letter to a dealer or collector. After the author's death, the heirs own the same rights that the author had: reproduction, distribution, adaptation, performance and display for 70 years after the author's death. 

**Bestsellers in Geology, 1999**  
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Loseth, Tore M., 1971- *Submarine Massflow Sedimentation: Computer Modelling And Basin-Fill Stratigraphy*. Springer-Verlag 1999 \$79.95 Paper 3540650571

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Clarkson, E.N.K. *Invertebrate Palaeontology and Evolution*. Blackwell Science 1998 \$46.95 Paper 0632052384 

**Questions and Answers**  
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*about the original format of the work?*

**ANSWER:** This is the classic Section 108(b) situation where a library owns the only copy of an unpublished work but likely does not own the copyright in that work. Section 108(b) permits the library to make up to three copies of an unpublished work in its collection. If one of those copies is a digital copy, that copy cannot be used outside the premises of the library. Presumably, however, the library could also make a printed copy and circulate that copy as one of the three permitted copies.

If the work is a published work, then Section 108(c) applies to works that the library owns but which are lost, stolen, damaged, deteriorating or obsolete. Before the library can duplicate the work, it must first make a reasonable effort to purchase an unused copy at a fair price. If there is